



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 065-17  
1540 FRANCESCHI ROAD  
MODIFICATIONS  
OCTOBER 11, 2017

**APPLICATION OF WADE DAVIS DESIGN, AGENT FOR VINCENT AND KATHY TUCKER, OWNERS, 1540 FRANCESCHI ROAD, APN 019-102-038, RS-25, RESIDENTIAL SINGLE UNIT, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DWELLING UNITS/ACRE) (MST2017-00355)**

The 17,437 square foot project site is currently developed with a two-story 2,720 square foot single-family residence with an attached 445 square foot two-car garage. The proposal is to construct a 146 square foot addition to an existing second-story 283 square foot deck located entirely in the 30-foot primary front setback.

The proposed deck extension was previously reviewed by the Staff Hearing Officer on May 24, 2017 (MST2017-00084) in conjunction with modifications to approve additions and alterations in both the primary and secondary front setbacks, as well as an open yard modification. As part of that project, a deck extension was approved in the secondary front setback up to the plane of the existing deck, for an eight-foot encroachment and total deck size of 547 square feet. A 178 square foot portion of the previously approved deck is located in the primary front setback; however, a Modification was not reviewed for it. The Modification request is now being pursued under the current proposal.

The proposed deck extension would encroach an additional four feet into the primary front setback, with a total depth of 12 feet into the required 30-foot setback. The total size of the subject deck, including both the previously approved and the proposed extension, would be 693 square feet; 506 square feet of which is in the required secondary front setback.

The previously approved project would allow for a 3,470 square foot residence, 79% of the guideline maximum floor-to-lot-area ratio (FAR). No additional floor area is proposed under the subject project.

The discretionary applications required for this project are a Secondary Front Setback Modification to allow a deck extension on the south side of the dwelling to encroach within the required 30-foot secondary front setback, and a Primary Front Setback Modification to allow a previously approved deck extension on the west side of the dwelling to encroach within the required 30-foot primary front setback (SBMC § 30.20.030.A and SBMC § 30.250.020.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 5, 2017.
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that:

**I. The City Staff Hearing Officer:**

- A. Denied the Secondary Front Setback Modification making the findings and determinations that the proposed four foot deck extension on the south side of the dwelling to encroach four feet by thirty five feet further within the required 30-foot secondary front setback of Franceschi Road is not consistent with the purposes and intent of the Zoning Ordinance nor is it necessary to secure an appropriate improvement on the lot, prevent unreasonable hardship, or to promote an uniform improvement on the lot. Although the property is non-conforming to the front setback requirements and has an average slope of approximately 38%, the approval of a Front Setback Modification for a 454 square foot expansion of the second story deck granted on May 24, 2017, provided for an appropriate improvement given those constraints. Therefore, the requested Secondary Front Setback Modification to expand the previously approved deck by approximately 140 square feet is not necessary to secure an appropriate improvement on the lot.
- B. Approved the Primary Front Setback Modification making the findings and determinations that the proposed deck extension on the west side of the dwelling to encroach within the required 30-foot Primary Front Setback of Franceschi Road is necessary to secure an appropriate improvement on the lot. The deck extension is appropriate in this location because of the steep topography and location of the existing development on the site. The deck extension in this area is appropriate because it allows for an aesthetic improvement to the dwelling, provides a useable outdoor area, and is not anticipated to adversely impact the adjacent neighbors or the visual openness from the street.

This motion was passed and adopted on the 11<sup>th</sup> day of October, 2017 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

  
\_\_\_\_\_  
Kathleen Goo, Staff Hearing Officer Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.

